

## STATEMENT OF DECISION

## SECTION I

### INTRODUCTION AND DESCRIPTION OF AREA

## SECTION II PROCEEDINGS

By April 6, 1992, DCRA had mailed notice of the filing of the petition to 56 interested parties, including property owners in and adjacent to the territory proposed for annexation. On April 30, 1992, notice of the filing of the petition was conspicuously posted by the Palmer City Clerk at the Palmer City Hall.

1 During the proceedings, questions were raised over the exact size of the territory. Rodney Schulling, an official with the Matanuska-Susitna Borough (the platting authority in which the territory is located) determined that the size of the territory proposed for annexation is 7.5128 acres.

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Notice of the filing of the petition was published by the City of Palmer in The Frontiersman, a newspaper of general circulation in the territory, on the following dates:

- April 3, 1992;
- April 10, 1992;
- April 17, 1992.

The City of Palmer provided a copy of the petition to the Matanuska-Susitna Borough at the time the petition was filed with the Department.

No briefs were filed opposing the annexation as of the May 29, 1992 deadline. However written comments were submitted by 36 individuals. Additionally, an informal petition was submitted bearing the signatures of 77 individuals. The petition objected to *"The City of Palmer's forced annexation of any and all properties outside current city limits. . ."* The City of Palmer responded on June 12 to the issues raised by the interested parties opposed to the annexation.

On September 18, 1992, DCRA published and distributed its draft report on the annexation proposal. A copy of the draft report was distributed to 136 individuals. Parties were invited to comment on the draft by October 21, 1992.

Timely comments were filed by more than twenty-five individuals. Certain of those submissions were quite extensive. One 149-page submission included an informal petition with nearly 10 pages of signatures of individuals (mostly living in other communities) opposed to annexation.

After considering the comments, DCRA issued its final report and recommendation to the Local Boundary Commission concerning the matter. The final report was distributed to 143 individuals on October 30, 1992.

The Local Boundary Commission scheduled a public hearing on the annexation to be held in Palmer on November 20, 1992. Notice of the hearing was published in The Frontiersman on the following dates:

- October 16, 1992;
- October 23, 1992; and
- October 30, 1992.

DCRA requested that radio station KSKA-FM broadcast public service announcements regarding the hearing from October 31 through November 21. DCRA also mailed notice of the hearing to 110 parties on October 13. Information concerning the date, time and place of the hearing was also included in DCRA's final report which, as noted earlier, was distributed to 143 parties on October 30.

Notice of the hearing was also posted at the Palmer City Hall and Matanuska-Susitna Borough Administration Building in Palmer on October 16 and at the Palmer Post Office on October 17, 1992.

On November 20, four members of the Commission traveled to Palmer. Prior to conducting the hearing, these four members toured the area proposed for annexation. The Commission held its hearing at the date and time scheduled.<sup>2</sup>

The Commission heard testimony on the issues relating to annexation for nearly five hours. Substantial written materials were submitted to the Commission at the hearing. Even though no responsive briefs had been filed in the matter, the Commission treated Mr. Bob Knight (consultant to Ed Bailey, the major property owner in the territory) as a respondent during the hearing.

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<sup>2</sup> Commission members Hargraves, Dugan, Hallgren and Johnson toured the area on November 20 and were present at the hearing. Although Commissioner Cotten was not present at the hearing, he reviewed DCRA's tape recording of the hearing and also reviewed all of the written material submitted to the Commission prior to the Commission's decisional session on the petition. Additionally, Commissioner Cotten independently toured the area proposed for annexation prior to acting on the petition.

At the close of the hearing, the Commission announced that it would accept additional written comments through November 30, 1992. The Commission also announced that it would meet on December 4, 1992 to act on the petition.

Notice of the continuance and the December 4 decisional session was mailed to 13 parties. Notice was also posted at the Palmer City Hall on November 26, at the Matanuska-Susitna Borough Administration Building in Palmer on November 27 and at the Palmer Post Office on November 28, 1992.

Substantial additional written materials were filed with the Commission during the ten day period following its hearing. These materials included a sixteen page "final brief" from the City of Palmer. The brief included thirty-five pages of attachments. Forty-seven pages of materials were filed in opposition to the annexation by various parties.

On December 3, Mr. Knight wrote to the Commission objecting to the "last minute submission of new materials by the City of Palmer". When the Commission met on December 4, it deferred action on the City of Palmer's petition in response to the concerns of Mr. Knight. The Commission then allowed Mr. Knight ten days to address the City of Palmer's final brief. The Commission asked Mr. Knight to address only those issues in the City of Palmer's final brief which he believed was "new material."

On December 14, 1992, Mr. Knight filed a thirty-three page response with more than 150 pages of attachments. A copy of the material was mailed to each Commission member.

The Commission met by teleconference on December 18 to act on the petition. However, one member of the Commission had not received the December 14 material filed by Mr. Knight. Another Commission member had not finished reviewing the material. Consequently, the Commission recessed the meeting until December 21, 1992.

On December 21, the Commission reconvened the meeting and approved the petition.<sup>3</sup>

### **SECTION III FINDINGS AND CONCLUSIONS**

On the basis of the petition and briefs of the City of Palmer, the report and recommendation of the Department of Community and Regional Affairs, all of the written comments, and the testimony received at its hearing, the Local Boundary Commission makes the following findings and conclusions.

#### **1. REGARDING THE WILLINGNESS AND ABILITY OF THE CITY OF PALMER TO EXTEND "FULL MUNICIPAL SERVICES" (AS DEFINED BY FORMER 19 AAC 10.080) TO THE AREA PROPOSED FOR ANNEXATION.<sup>4</sup>**

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<sup>3</sup> Commissioners Hargraves, Cotten and Johnson voted to approve the petition. Commissioners Dugan and Hallgren voted against the petition, expressing the belief that the annexation proposal did not meet applicable standards to the extent that annexation by the legislative review method was warranted. In particular, Commissioners Dugan and Hallgren did not believe that it had been demonstrated that the territory proposed for annexation represented a threat to the health, welfare or safety of City residents. Additionally, Commissioners Dugan and Hallgren indicated the belief that annexation was not an appropriate response to the circumstances in the territory.

<sup>4</sup> Due process considerations compel the Commission to use the standards for annexation set out in former 19 AAC 10.065 - 090 while acting on this petition (as opposed to the standards set out in the new regulations which took effect September 14, 1992). The former regulations were in place at the time the petition was prepared and filed by the City of Palmer. They were also in place during the period of public review and comment on the

Because the law permits parties other than a city government to petition for annexation, it is necessary to ensure that the City of Palmer is actually willing to extend services to the territory proposed for annexation. In this instance, however, the City of Palmer initiated the petition for annexation. This establishes the obvious presumption that the City is willing to serve the area. The Commission has found no credible indication that this presumption is invalid.

Examination of this standard also requires consideration of the financial impacts to the City of Palmer which are likely to result from annexation. In this instance, it is estimated that the City would gain approximately \$3,000 annually in property taxes, utility fees and State financial assistance as a result of annexation. The territory proposed for annexation carries with it added responsibilities for the City of Palmer. These responsibilities include utility service and public safety services (police and fire). The City's burden for planning and land use regulation in the area will also increase.

In the context of its overall operations, this annexation will have no significant impact on the financial ability of the City to extend services to the area proposed for annexation. For example, the estimated \$3,000 annual increase in City revenues represents less than six one-hundredths of one percent (0.00057) of the total revenues of the City of Palmer in 1991<sup>5</sup>.

The Commission has found no obstacles which will prevent the City of Palmer from extending full municipal services to the area proposed for annexation.

**CONCLUSION: Because the City of Palmer initiated the annexation proposal, the Commission concludes that the City is willing to serve the area proposed for annexation. The Commission also concludes that the City has the financial capacity to extend full municipal services to the area in accordance with former 19 AAC 10.080. Thus, the standard set out in former 19 AAC 10.080 is satisfied.**

## **2. REGARDING WHETHER THE CITY OF PALMER PROVIDES SERVICES TO THE TERRITORY WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS.**

The standard set out in former 19 AAC 10.070(a)(8) is met if "*residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the territory*".

Evidence sustains the City's assertion that it maintains that portion of East Eagle Avenue within the territory proposed for annexation. This avenue is an arterial street leading to the Sherrod and Swanson elementary schools. Property owners and residents of the territory proposed for annexation receive benefit from this city road maintenance.

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petition. Further, those standards were used by the Department of Community and Regional Affairs to evaluate the petition and to make its recommendation to the Commission.

<sup>5</sup> According to the City of Palmer's Audit for 1991, the City had general revenues of \$3,458,375, special revenues of \$60,029, capital projects revenues of \$89,361, enterprise revenues of \$1,263,196 and internal service revenues of \$314,191; these revenues totalled \$5,185,152.

It is not suggested that residents of the area outside the City's boundaries do not contribute in some manner to support City services. Clearly, one of the most substantial avenues of support results when non-City residents purchase goods and services which are subject to the City's 2% sales tax. Sales taxes are the single largest source of locally generated revenue received by the City of Palmer. However, road maintenance is paid by the City's general fund which is supported by property taxes levied by the City of Palmer.

**CONCLUSION: The Commission concludes that this standard is met because the City of Palmer provides road maintenance to the area proposed for annexation and the City's road maintenance is supported by property taxes levied by the City of Palmer. Thus, the Commission concludes that the standard set out in former 19 AAC 10.070(a)(8) is satisfied.**

### **3. REGARDING WHETHER THE TERRITORY IS "URBAN" IN CHARACTER.**

The standard set out in former 19 AAC 10.070(a)(3) is met if the Local Boundary Commission concludes that the area proposed for annexation is "urban" in character. Factors to be considered in this regard include, without limitation, whether:

- the property is platted;
- the property is suitable for residential or commercial purposes;
- the population density approximates that of the annexing city;
- the population stems from actual growth of the city beyond its legal boundaries;
- whether the property is valuable by reason of its suitability for prospective urban purposes.

The Commission finds that all of the property in question is platted. The majority of the property is in the Riverside Subdivision. The legal boundary of the City of Palmer bisects the Riverside Subdivision. Much of the subdivision has been inside the boundaries of the City of Palmer since it was incorporated in 1951.

The Commission finds that the property is suitable for residential or commercial purposes. The property contains a number of dwellings which are inhabited.

The Commission finds that the population density of the territory proposed for annexation reasonably approximates that of the City of Palmer. The petitioner estimated that the area is inhabited by seven individuals. However, the respondent indicates that the territory is currently inhabited by "four full-time persons". Testimony at the hearing indicated that the population of the territory fluctuates.

Based on the total 7.5128 acres, the various population figures indicate a population density ranging from 0.93 to 0.53 persons per acre. The record shows that 3,008 persons reside within the estimated 2,444 acres currently within the boundaries of the City of Palmer. That figure equals 1.23 persons per acre. The relative difference in the population densities of the two areas must be viewed in the context of the small size of the territory proposed for annexation. While, the population density of the territory may be as little as 43 percent of population density of the City of Palmer, the addition of only six people (e.g., one large family) would cause the population density of the territory to exceed that of the City (using the respondent's lower population figure).

Far more important than the results of any arcane statistical analysis, the Commission finds that the territory proposed for annexation is clearly part of the compact community of Palmer. Apart from the invisible corporate boundaries of the City of Palmer, the area proposed for annexation shares many social, economic, political, scholastic, recreational and other interests with residents and property owners inside the boundaries of the City of Palmer.

**CONCLUSION:** The Commission concludes that the area proposed for annexation is similar in character to the territory within the current boundaries of the City of Palmer. For purposes of the standard in question, the area proposed for annexation is considered "urban" in character. Thus, the Commission concludes that the standard set out in former 19 AAC 10.070(a)(3) is satisfied.

#### 4. REGARDING THE HEALTH, WELFARE AND SAFETY OF CITY RESIDENTS.

The standard set out in former 19 AAC 10.070(a)(6) is met if *"the health, welfare, or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or relieve those conditions."*<sup>6</sup>

The annexation proposal was predicated in large part by complaints over numerous loose dogs in the neighborhood. Submissions by the petitioners describe conditions allegedly existing in the area that threaten the health, welfare or safety of individuals presently residing within the boundaries of the City of Palmer. These include "loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site . . .".

The petitioner's final brief included two reports from the Matanuska-Susitna Borough Animal Control office documenting dog problems stemming from Mr. Bailey's property (one was dated June 15, 1989 and the other was dated February 25, 1988). The February 1988 report stated ". . . there was approx. 25 dog running loose - puppies and adults. 8 dogs were tied to car parts and cars. Owner pulled up into drive way - when I got out to talk to owner - I was bitten by a black/white australian shepherd . . . The owner Mr. Bailey had not voice command to advert dog fights or control the dogs from leaving property . . ." (sic).

The petitioner also provided an affidavit from a property owner adjoining the territory proposed for annexation stating that "[I]n the winter of 1980 one of Ed Baileys tenants' 100 pound dog came across the street attacked and killed my 5 lb. Picapoo."

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<sup>6</sup> The phrase "health, welfare, and safety" is very broad. The City's final brief states that the phrase is used in 57 Alaska Supreme Court cases and many statutes. Definitions of the nouns were provided by DCRA at the November 20 hearing. The Commission used those same definitions provided by DCRA in its December 18, 1992 Statement of Decision concerning the annexation of 7 square miles to the City of Haines. The Definitions provided by DCRA at the November 20 hearing were:

HEALTH. State of being hale, sound, or whole in body, mind or soul, well being. Freedom from pain or sickness; the most perfect state of animal life. Not synonymous with "sanitation". The right to the enjoyment of health is a subdivision of the right of personal security, one of the absolute rights of persons (Black's Law Dictionary, 1968).

PUBLIC WELFARE. The prosperity, well being, or convenience of the public at large, or of a whole community, as distinguished from the advantage of an individual or limited class. It embraces the primary social interests of safety, order, morals, economic interests, and non-material and political interests. In the development of our civic life, the definition of "public welfare" has also developed until it has been held to bring within its purview regulations for the promotion of economic welfare and public convenience (Black's Law Dictionary, 1968).

SAFETY. Freedom from danger, injury or damage; security (Webster's New World Dictionary, 1982).

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These incidents occurred several years ago. While Mr. Bailey has acknowledged past difficulties, he claims that the animal control problems were addressed long ago and that he is not the source of any current problems.

However, written comments and testimony at the hearing indicated that residents adjacent to the area proposed for annexation continue to experience animal control problems. For example, Richard and Elenor Vogt wrote on October 27, 1992:

*"We don't think it is his dogs, we know it. We have recorded them barking and howling at any hour of the day or night and submitted this evidence to the City Council at one of the meetings and have walked up to the edge of his property to be very sure. Have seen his dogs rip apart ours and our neighbors garbage and harass our chained dog (as recent as 1992) and return to HIS yard. Mr. Bailey is the only one in our neighborhood who has these "dingo type" dogs. We were able to give very accurate descriptions to Animal Control and they found them to be Mr. Bailey's."*

Additionally, Ronald Otte, Chief of the Palmer Police Department since 1989, signed an affidavit on November 30, 1992, indicating the "the middle of Riverside Subdivision generates far more complaints and problems than any other area on the boundary of the city. . . The City Police Dispatch has received complaints concerning dogs from the Bailey property in 1992". While Mr. Otte does not provide specific information about the number of complaints, he clearly suggests that concerns over animal control continue to exist in the area.

The Commission is persuaded by the argument put forth in the City of Palmer's final brief that these sorts of dog problems constitute a threat to the health, welfare and safety of City residents. The City cited the standard treatise on municipal law as follows:

*Dogs have been viewed as constituting nuisances, at least where they are ferocious or have the habit of jumping and biting at children or other people. Indeed, such a dog is a nuisance of the worst sort . . . . Furthermore, the keeping of dogs may be a public nuisance by reason of their howling, barking and whining, the stench they cause, unsanitary conditions in which they are kept, or their disturbing of people in the reasonable use and enjoyment of property, or where any of these factors cause annoyance, discomfort or injury to the health or welfare of persons.* 7 McQuillin, Municipal Corporations, §24.284 at 195, 196 (3d ed. 1989). See also 4 Am. Jur. 2d, Animals, §63 at 312; and 66 C.J.S., Nuisances, §32 at 786.

Mr. Bailey presently has some fifteen dogs on his property. If the area were annexed, the Palmer City Code would allow him to keep no more than three. Additionally, it is evident from documents and testimony that the City of Palmer has far greater resources than the Matanuska-Susitna Borough to provide animal control services for this urban area.

Other potential health, welfare and safety concerns relate to the existence of some fifty unlicensed vehicles and other "junk" on Mr. Bailey's property. The City's final brief characterizes this circumstance as *"an accident waiting to happen for City families to live next to an unregulated junkyard full of attractive nuisances"* The City's final brief also stated that *"[W]hile the Borough law, which is written for rural areas, allows this unsafe and unhealthy condition, the City Code requires its abatement. Cleaning up will not be unduly expensive . . ."*

Additionally, it has been noted that all of the dwellings in the territory use pit privies. The City of Palmer's final brief noted in this respect that *"It is unhealthy and unsafe for the City residents to live downhill from lots containing a dense population using privies for a sewerage system when such lots could not lawfully be established under current health and subdivision laws. These dangers would be eliminated by annexation as the property would be connected to the City's water and sewerage systems, which are DEC and EPA approved. The City has the capacity and is willing to serve the territory; and City water and sewer services presently abut the territory."*

Mr. Bailey suggests that there is no need for utility services or other services of the City of Palmer. During the proceedings, Mr. Bailey retained the services of the Alaska Health Project (AHP), whose letterhead indicates the organization provides "information and advocacy on occupational and environmental health." In a letter dated October 16, 1992, Catherine A Hummel, an Environmental Health Specialist for AHP, wrote that she had inspected Mr. Bailey's property and had concluded that "no conditions were observed [in the territory proposed for annexation] which would endanger the health or safety of Palmer residents."

The City of Palmer was critical of the letter from Ms. Hummel. In its final brief, the City of Palmer noted:

*"[T]he Local Boundary Commission's Staff requested the DEC to inspect the Bailey property, but Mr. Bailey through Mr. Knight refused the DEC inspection. Bailey and Knight refused to allow the DEC inspection unless the LBC paid the cost of Bailey's sanitarian. Such refusal to public officers is characteristic of Mr. Bailey as he stated previously that the Borough Animal Control Officers were not allowed on his property.*

*Having prevented DEC from inspecting his property for free, Mr. Bailey hired the Alaska Health Project whose letterhead states it provides "advocacy" on environmental health.<sup>7</sup> After spending 90 minutes on the Bailey property, his advocate reported no unsanitary conditions were "observed." Given the briefness of the visit, this unsettling qualification is probably proper; the in-City neighbors need only fear what the advocate missed, i.e., the "unobserved" problems. Since Mr. Bailey refused the DEC inspection, the brief review and peculiarly qualified report by his paid advocate is suspect at best and should be granted no weight.*

Apart from her professional judgment, it appears that Ms. Hummel is personally against the annexation. The Commission received a personal letter from Cathy Hummel dated October 19, 1992. The distinctive signature of Catherine A. Hummel on the October 16 letter from the Alaska Health Project appears to be identical to the signature on the October 19 letter. The October 19 letter offers "comments to discourage this annexation" The comments questioned whether it was prudent for the City of Palmer to "expend the resources needed to 'abate the nuisance' of Mr. Bailey's property" (emphasis added).

**CONCLUSION:** It seems evident to the Commission that the large number of dogs kept by Mr. Bailey in an urban area are at least a major part of the long-continuing problems relating to animal control in and adjacent to the territory proposed for annexation. The multitude of unlicensed vehicles and other "junk" kept on Mr. Bailey's property as well as potential health problems stemming from the lack of water and sewer utilities in the territory contribute to the legitimate concerns of the City and its residents. Viewed collectively, the Commission concludes that these circumstances represent a threat to the health, welfare, and safety of city residents.

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<sup>7</sup> The arrangements for DEC to inspect Mr. Bailey's property were actually attempted after Ms. Hummel inspected Mr. Bailey's property.

The Commission believes that in-City neighbors and local officials have diligently attempted to resolve the problems stemming from Mr. Bailey's property over the past many years by means other than annexation. However, those efforts have failed. The Commission concludes that annexation will enable the City of Palmer to remove or relieve those conditions. Thus, the standard set out in former 19 AAC 10.070(a)(6) is satisfied

## OTHER CONSIDERATIONS

### VOTE ON ANNEXATION

Alaska's Constitution places a duty on the Local Boundary Commission to judge an annexation proposal on its merits rather than its political appeal. After carefully examining the purpose and role of the Commission, the Alaska Supreme Court concluded that those who reside or own property in an area to be annexed by a municipality have no vested right that annexation take place only with their consent.<sup>8</sup> Specifically, the court stated:

*Article X [of the Alaska Constitution] was drafted and submitted by the Committee on Local Government, which held a series of 31 meetings between November 15 and December 19, 1955. An examination of the relevant minutes of those meetings shows clearly the concept that was in mind when the local boundary commission section was being considered: that local political decisions do not usually create proper boundaries and that boundaries should be established at the state level. The advantage of the method proposed, in the words of the committee —*

*• • • lies in placing the process at a level where areawide or statewide needs can be taken into account. By placing authority in this third-party, arguments for and against boundary change can be analyzed objectively.*

*We cannot assume that they [the delegates to the Constitutional Convention] were insensitive to the inadequacies inherent in a system where needed municipal expansion could be frustrated if the electors in a single urban area outside of municipal boundaries did not agree to annexation.*

*Those who reside or own property in the area to be annexed have no vested right to insist that annexation take place only with their consent. The subject of expansion of municipal boundaries is legitimately the concern of the state as a whole, and not just that of the local community.*

The Commission's newly implemented regulations provide guidance concerning which process is best for final approval of an annexation (i.e., election or legislative review). These regulations state:

*Territory that meets all of the annexation standards specified in 19 AAC 10.090 — 19 AAC 10.130 may be annexed to a city by the legislative review process if the commission also determines that annexation will serve the balanced best interests of the state, the territory to be annexed, and all political subdivisions affected by the annexation.*

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<sup>8</sup> Fairview Public Utility District Number One v. City of Anchorage, 368 P.2d 540 (Alaska 1962).

**CONCLUSION:** The Commission must weigh the obvious appeal of allowing the voters to give final approval to any annexation, against the needs and interests of the parties involved. As is so evident in this particular instance, the interested parties are not limited strictly to the residents and property owners of the territory proposed for annexation. They also include the residents and property owners within the current boundaries of the City of Palmer, the Palmer city government, the Matanuska-Susitna Borough government and the State of Alaska. The balanced interests of the various parties involved in this matter warrant the use of the legislative review process.

**SECTION IV  
ORDER**

On the basis of the foregoing findings and conclusions, the Commission determines The Local Boundary Commission hereby orders as follows:

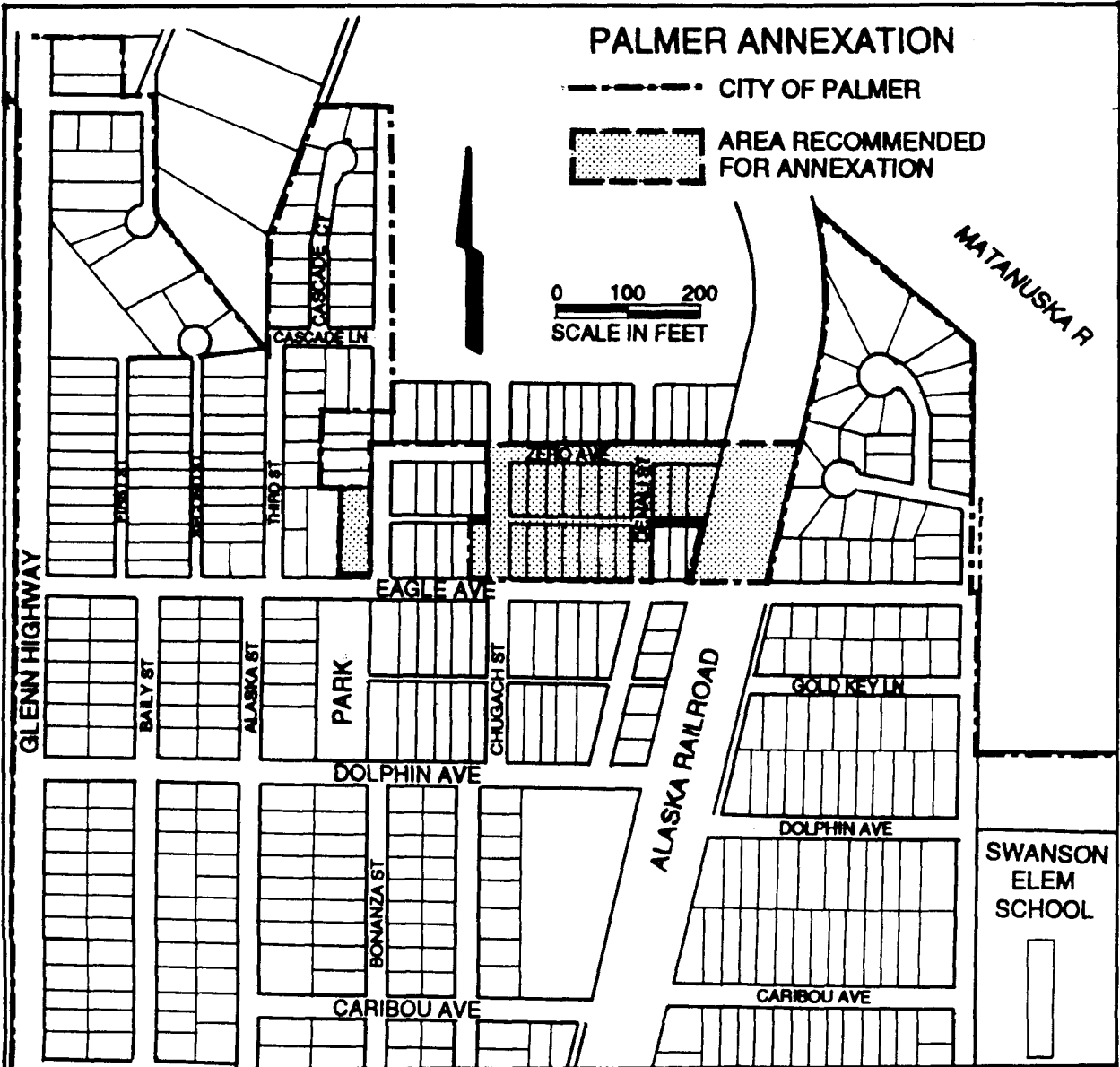
- 1. That the February 21, 1992, petition of the City of Palmer for the annexation of approximately 7.5128 acres is approved without amendment.

The territory approved for annexation is described as follows:

Within Section 28, Township 18N, Range 2E, Seward Meridian:

Pribyl, Grasse and Grasse Subdivision - Lot 22; Riverside Subdivision - Block 1, Lots 1 through 10 and Lots 20 through 27; and a portion of the right-of-way of the Alaska Railroad.

The area approved for annexation is shown on the following map.



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2. That a formal recommendation for the annexation of the territory in question be submitted in accordance with Article X, § 12 of the Alaska Constitution to the next regular session of the legislature. That is, the recommendation is to be submitted to the First Regular Session of the Eighteenth Alaska Legislature on or before January 20, 1993.
3. That, the annexation take effect only upon:
  - (a) The passage of forty-five days from the date of presentation of the Commission's recommendation to the legislature (or the adjournment of the session, whichever is earlier) without disapproval of the recommendation by the legislature; and
  - (b) The filing of documentation with the Department of Community and Regional Affairs showing that the City of Palmer has complied with 42 U.S.C. 1973c (Voting Rights Act of 1965) regarding this annexation.
4. That the City of Palmer be advised that the Local Boundary Commission encourages it to act in a fair and reasonable fashion with respect to the extension of its jurisdiction over the territory approved for annexation. Doing so will ensure an orderly transition which will allow the problems existing in the territory to be resolved in a manner which is least disruptive to the residents and the property owners of the territory approved for annexation.

APPROVED IN WRITING THIS 30TH DAY OF DECEMBER, 1992.

LOCAL BOUNDARY COMMISSION

  
By: Darroll Hargraves, Chairperson

Attest:

  
Dan Bockhorst, Staff

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### RECONSIDERATION BY THE COMMISSION

Within 20 days after this written statement of decision has been mailed to the petitioner and any respondents, a person may file a request for reconsideration of the decision. The request must describe in detail, the facts and analyses that support the request for reconsideration. If the Commission takes no action on a request for reconsideration within 30 days after the date that this written decision was mailed to the petitioner and any respondents, the request for reconsideration is automatically denied. If the Commission grants a request for reconsideration, the petitioner or any respondents opposing the reconsideration is allotted 10 days from the date the request for reconsideration is granted to file a responsive brief describing in detail the facts and analyses that support or oppose the request for reconsideration.

### JUDICIAL APPEAL

A judicial appeal of this decision may also be made under the provisions of the Alaska Rules of Appellate Procedures, Rule 601 et seq. An appeal to the Superior Court must be made within thirty days from the date this written decision was mailed or delivered.

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